

Appln. No.: 09/803,777  
Amendment Dated January 22, 2004  
Reply to Final Office Action of October 22, 2003

MAT-8106US

**Remarks/Arguments:**

Claims 1, 5, 19, 23, 27 and 28 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Takahashi (U. S. Patent 6,046,874). Regarding claims 5, 23 and 28, the rejection is rendered moot by the cancellation of those claims. Regarding claims 1, 19 and 27, those claims are patentable over the art of record for the reasons set forth below.

Applicant's invention, as recited by claim 1, includes a feature which is neither disclosed nor suggested by the art of record, namely:

...condition discriminating means for discriminating the signal condition from the first equalized signal and second equalized signal...in generating a condition discriminating signal...

...for selecting one of the first decoded data and the second decoded data based on the condition discriminating signal...(emphasis added)

Thus, Applicant's claim 1 is reciting a three step process:

- a) test the first equalized signal;
- b) test the second equalized signal;
- c) choose the first or second signal based on the results of step a and step b.

The above steps b and c are not disclosed by Takahashi. Note that Takahashi tests one signal only and then switches to the other signal if there is an error. This is different than Applicant's claim 1 in which two signals are tested and the better of the two is chosen. Accordingly, claim 1 is patentable over Takahashi.

Claim 1 includes an additional feature which is neither disclosed nor suggested by Takahashi, namely:

...discriminating the signal condition from the first equalized signal and the second equalized signal...(emphasis added)

The testing of equalized signals is also different than Takahashi. Note that Takahashi tests the output of decoders, not the output of equalizers. As Takahashi and Applicant's claim 1

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are testing different types of output, for this additional reason, claim 1 is patentable over Takahashi.

Claims 19 and 27, while not identical to claim 1, are also patentable for reasons similar to those set forth above with regard to claim 1.

Claims 2, 6, 20 and 24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Coker (U.S. Patent 5,619,539). The rejection of claims 6 and 24 is rendered moot by the cancellation of those claims. Claims 2 and 20 are patentable by virtue of their dependency on allowable claims 1 and 19.

Additional claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Takahashi (U.S. Patent 6,519,715). For those claims, either the rejection is rendered moot by appropriate cancellation (or amendment) or those claims are allowable by virtue of their dependency on allowable independent claims.

Minor amendments have been to the claims to improve their readability. Entry of those amendments is respectfully requested.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

RatnerPrestia

Lawrence E. Ashery, Reg. No. 34,515  
Attorney for Applicant

LEA/kc

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P. O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. (703) 872-9306) on the date shown below.

January 22, 2004

Kathleen Carney